

DRAFT

**A SCHEME FOR THE ESTABLISHMENT OF A
COMBINED AUTHORITY FOR
LANCASHIRE**

1. Establishment of the Combined Authority

A Combined Authority shall be established pursuant to Section 103 of the Local Democracy, Economic Development & Construction Act 2009 (LDEDCA).

2. Name of the Combined Authority

The name of the Authority shall be The Lancashire Combined Authority (LCA).

3. Area of the Combined Authority

The whole geographical County of Lancashire incorporating the areas covered by County Council; Blackburn with Darwen and Blackpool Borough Council; and all the District Councils of Lancashire.

4. Constitution

4.1 Membership of the Combined Authority

Membership of the LCA will be drawn from the constituent Councils listed below:

- Blackburn with Darwen Borough Council
- Blackpool Borough Council
- Burnley Borough Council
- Chorley Borough Council
- Fylde Borough Council
- Hyndburn Borough Council
- Lancashire County Council
- Lancaster City Council
- Preston City Council
- Pendle Borough Council
- Ribble Valley Borough Council
- Rossendale Borough Council
- South Ribble Borough Council
- West Lancashire Borough Council
- Wyre Borough Council

In addition, non-constituent membership will be drawn from the Lancashire Local Enterprise Partnership (LEP).

- 4.1.1 Each constituent council shall appoint its Leader to be a member of the Combined Authority, and in addition shall appoint a substitute.
- 4.1.2 The LEP shall nominate its Chair to be a non-constituent Member of the Combined Authority, and shall be entitled to nominate a member and a substitute.
- 4.1.3 All members of the CA must act in accordance with this Scheme of Governance and observe the Code of Conduct for members of the CA.

- 4.1.4 A Member ceases to be a Member or substitute Member of the Combined Authority if they cease to be a member of the constituent council or the LEP that nominated them.
- 4.1.5 To resign, the Member or substitute Member has to give written notice to the Proper Officer of the constituent council or the Company Secretary of the LEP.
- 4.1.6 Constituent councils may terminate and replace a Member or substitute Member at any time but must give written notice to the Combined Authority within 28 days.
- 4.1.7 The LEP may terminate and replace a Member or substitute Member nominated by it to the Combined Authority at any time but must give written notice to the Combined Authority within 28 days.
- 4.1.8 Where a Member or substitute Member appointment ends for whatever reason the constituent council or LEP shall give notice of the appointment of another of its elected members or member having due regard to paragraph 4.1.2 above as soon as possible to the Chair. Such appointments will be effective immediately.

4.2 Chairman and Vice Chairman

- 4.2.1 There will be an annual election of the Chair and Vice Chair. Incumbents will be eligible for re-election. Only council Leaders will be eligible for election as Chair and Vice Chair.
- 4.2.2 Appointment to be the first business at the Annual Meeting and to be made from amongst the Combined Authority's members.
- 4.2.3 A person ceases to be Chair or Vice Chair if they cease to be a member of the Combined Authority.
- 4.2.4 Any vacancy must be filled at the next ordinary meeting of the Combined Authority unless such meeting is within 14 days, when it will be the meeting following.

4.3 Proceedings

- 4.3.1 In the full spirit of partnership working every endeavor will be made on all matters to reach decisions by consensus such that the need for formal voting becomes academic.
- 4.3.2 However, if formal voting is required the following will apply:

The following decisions require a unanimous vote in favour by all constituent council members or substitutes present and quorate: -

- Adoption of and any amendment to, withdrawal of any Strategy or Plan and associated schemes/programmes for which the Combined Authority has functions, powers or duties to produce
- Approval of the Combined Authority's annual budget including decisions on any levies, precepts or other demands for financial contribution from constituent authorities
- Approval of borrowing limits, Treasury Management Strategy including reserves, Investment Strategy and Capital Budget of the Combined Authority
- Approval of the Combined Authority's Constitution and any changes thereto
- Adoption of any freedoms or flexibilities offered by Government
- Future expansion of the Combined Authority's functions included but not limited to the transfer of functions by the councils to the Combined Authority and/or the devolving of powers from Government.

All other decisions to be by a 2/3rds majority of those constituent council members present

and quorate.

- 4.3.3 Quorum is 10 voting Members or nominated substitute members.*
- 4.3.4 Each Member to have one vote.
- 4.3.5 There is no casting vote.
- 4.3.6 If a vote is tied it is deemed not to have been carried.
- 4.3.7 Proceedings are not invalidated by any vacancy amongst its Members or by any defect in the appointment or qualification of any Member.

4.4 **Transitional Arrangements**

- 4.4.1 Transport for Lancashire (TFL) will transfer from the LEP to become part of the Lancashire Combined Authority.

- 4.4.2 The three TFL authorities being –

Lancashire County Council
Blackburn with Darwen Council and
Blackpool Borough Council

The Combined Authority will reserve voting between those three constituent Members on –

- (i) The adoption and amendment of any Local Transport Plan under S108(3) Transport Act 2000
- (ii) Allocation of any Local Transport Plan funding to individual constituent councils.

- 4.4.3 Debate about items (i) and (ii) above will take place at a meeting of the full Combined Authority and all constituent and non-constituent members may take part in debate. Every effort will be made to reach consensus. If formal voting is required, decisions will be by a unanimous vote of the three TFL constituent councils.

- 4.4.4 The TFL constituent councils will use their best endeavors to: -

- (i) Reach unanimous agreement with all the constituent and non-constituent members of the Combined Authority on any matters for decision, and
- (ii) Work toward a system of inclusive voting for all constituent councils.

4.5 **Executive Arrangements**

- 4.5.1 Executive arrangements (within the meaning of the Local Government Act 2000) shall not apply to the Combined Authority. However, the discharge of the functions of the Combined Authority will be subject to the scrutiny arrangements set out in this scheme.

4.6 **Overview and Scrutiny**

- 4.6.1 The 15 Local Authorities of Lancashire will establish a joint Overview & Scrutiny Committee to exercise scrutiny over the Lancashire Combined Authority including its sub committees.
- 4.6.2 The Overview and Scrutiny Committee of the Combined Authority will also agree with the LEP an approach to monitor and review the mandate and performance of the LEP.

4.7 Records, Standing Orders and Remuneration

- 4.7.1 Proceedings and the names of members present at meetings must be recorded.
- 4.7.2 Minutes must be kept and signed as a correct record at the next suitable meeting by the Chair of the meeting.
- 4.7.3 Any such signed minute shall be received in evidence without further proof.
- 4.7.4 Until the contrary is proved, a meeting of the Combined Authority evidenced by the signed minutes of proceedings, are deemed to have been duly convened and held.
- 4.7.5 The Combined Authority may make Standing Orders which shall apply to proceedings of the full Authority and its committees.
- 4.7.6 No remuneration is payable to members of the Combined Authority.
- 4.7.7 Any allowances or expenses which may be made to Councillor Members arising out of Combined Authority membership shall be determined and borne by the appointing council for each Combined Authority Member individually.

4.8 The Function of the Lancashire Combined Authority

- 4.8.1 The purpose of the Lancashire Combined Authority is to improve the exercise of statutory functions in relation to economic development, growth, skills and transport across the whole geographical county of Lancashire leading to an enhancement of the economic conditions and performance of Lancashire. It will seek to further public sector reform including health and social care integration.
- 4.8.2 The Lancashire Combined Authority intends to pursue an Economic Growth Strategy through a balanced approach, with economic, social and environmental sustainability at its core. This will reflect the location of the area.
- 4.8.3 The Lancashire Combined Authority will seek to promote managed and sustainable economic growth as a policy to deliver jobs and prosperity to communities and households to secure good quality of life of all the people of the area.
- 4.8.4 The Lancashire Combined Authority intends to provide leadership and a unified strong advocacy for Lancashire on key strategic issues. It will work on ensuring closer co-ordination and delivery of transport, planning and skills. It will provide an integrated approach to achieving priorities.

4.9 The Functions, Powers and Duties of the Lancashire Combined Authority

- 4.9.1 The Lancashire Combined Authority will have powers in relation to strategic economic development, planning, transport, skills, training, housing and public sector reform including health and social care integration. These powers will be exercised by the Lancashire Combined Authority on a concurrent basis with the constituent Member Authorities. In other words, no powers have been “ceded” to the Lancashire Combined Authority by its constituent members.
- 4.9.2 Subject to Government agreement, functions will include: -
- The public sector decision making body for strategic economic development and transport for the Lancashire Combined Authority area;
 - setting the Economic Strategy for the Lancashire Combined Authority area;
 - setting the Investment Strategy for the Lancashire Combined Authority area;

- implementing the Investment Strategy for the Lancashire Combined Authority area;
- making decision in relation to the uplift on business rates received from the Enterprise Zones;
- Co-ordinated inward investment activity;
- Functions as currently exercised through BIS, DfE and their executive agencies in respect of further education provision, co-ordination and funding;
- Functions in respect of the funding and provision of housing in the area of the Combined Authority e.g. from the Homes and Communities Agency;
- Functions in respect of control and co-ordination of surplus public land in Lancashire to create sites for residential and commercial growth. Examples of vacant land holding would include that owned by constituent members of the Combined Authority, Network Rail, the NHS, Government Departments or private sector developers;
- Functions in respect of provision, co-ordination and funding of initiatives for increasing employment and improving skills as currently exercised through the Department for Business Innovation and Skills and its executive agencies;
- Functions in respect of the provision of support and funding for local business initiatives in the area of the Combined Authority as currently exercised through the Department for Business Innovation and Skills and its executive agencies;
- The duty under Section 8 (i) of the Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation);
- The functions of a local transport authority under the Transport Act 2000 and any other enabling legislation (and including, by order, the functions of a Passenger Transport Executive under section 88 of the Transport Act 1985);
- The functions of local authorities under the Transport Act 1985;
- To develop, and subsequently monitor, investment plans utilising Government and European funds for the Lancashire Combined Authority area;
- To develop a Growth Deal for the Combined Authority area;
- Functions currently exercised through the Department of Work and Pensions in respect of job seeking and employment;

4.9.3 Subject to Government negotiation the Lancashire Combined Authority seeks the following powers:

- The General Power of Competence to provide for maximum flexibility in being able to deal with economic development, stimulating growth and invigorating communities;
- Power to encourage visitors and to provide conference and other facilities;
- Duties and powers related to the provision of education and training for persons under and over compulsory school age;
- Duty to prepare an assessment of economic conditions in the area;
- Power to arrange for the publication within their areas of information relating to the functions of the authority;
- Power to prosecute and defend legal proceedings;
- Research and collection of information;
- Powers under the Apprenticeship, Skills, Children and Learning Act 2009;
- Powers related to the establishment of a Land Commission for Lancashire including the HCA's Housing and Regeneration Act 2008 and for Compulsory Purchase Orders

4.9.4 The Lancashire Combined Authority shall exercise any function of the Secretary of State delegated to the Combined Authority by the order of the Secretary of State, pursuant to Section 86 LTA 2008 and Section 104(1)(b) LDEDLA. Such functions shall be exercised subject to any condition imposed by the order.

4.10 **Funding**

4.10.1 The constituent councils to meet all costs reasonably attributable to the exercise of its

functions on an equitable basis. Equitable basis also means where possible the constituent councils will meet these costs in kind.

4.10.2 The Combined Authority will agree an annual budget for the purpose of its expenditure.

4.11 **Statutory Officers**

4.11.1 The Combined Authority has a duty to appoint to the three statutory positions being:

- Head of Paid Service
- S151 Officer
- Monitoring Officer

4.11.2 These positions will be undertaken by officers already serving in one or more constituent councils.

4.12 **The Lancashire Enterprise Partnership**

4.12.1 It is envisaged that the Combined Authority for Lancashire would include local authorities and the LEP within its governance structure. The Combined Authority would provide strategic leadership, direction and prioritisation of the resources for the functions within its remit and as directed by Government.

4.12.2 The Combined Authority is responsible for establishing an overarching Lancashire Plan, including a Growth Strategy, developed by the Lancashire Enterprise Partnership (LEP) in conjunction with the Combined Authority. The LEP is an independent business-led body which operates within an Assurance Framework agreed with the Combined Authority.

4.12.3 The LEP, as part of its mandate from the Combined Authority, will be responsible for directing and managing current and future growth programmes and relevant funding streams, in accordance with the Growth Strategy agreed with the Authority.

4.12.4 The LEP's Employment and Skills Board will operate in a joint arrangement of the LEP and Combined Authority.

4.12.5 The Chair of the LEP is drawn from the private sector. The constituent members of the Combined Authority will appoint five members to the LEP Board. As detailed earlier at 4.1.2 the LEP Chair will be a non-constituent member of the Combined Authority.

4.12.6 The Overview and Scrutiny Committee of the Combined Authority will also agree with the LEP an approach to monitor and review the mandate and performance of the LEP.

4.13 **Other Arrangements**

4.13.1 The Combined Authority may establish sub-committees, and delegate powers and functions as appropriate.